2018-2019 TMDL Implementation Project Request for Applications (RFA)
Frequently Asked Questions (FAQ) – Issued 11/17/17; amended 1/18/2017

DEQ has released a Request for Applications for TMDL Implementation Projects. Applications are due February 9, 2018. This FAQ document is being provided to assist potential applicants in developing their project applications. For more information email: npsgrants@deq.virginia.gov.

TOPIC 1: Eligibility for activities by a MS4 locality or within the boundaries of an MS4 Questions	
1Q1	*Can MS4 localities apply for funding for projects that are not specifically identified/required in their permit?*
1A1	Yes, however the intent is not for applications to solely fund individual BMPs. The intent of the 2018-2019 RFA is to fund a suite of BMPs, holistically addressing one or more source sectors, in specific TMDL implementation areas listed in Table 1 of the RFA. In addition, Section F of the RFA lists activities in an MS4 that may be credited to a permit (or used to develop a permit) or that will be credited in a TMDL Action Plan or towards pollutant reductions in a permit, and therefore will not be eligible for funding.
1Q2	*Are federal funds under 319 eligible to meet ANY requirements for MS4?*
1A2	Federal 319 funds can be used by a MS4 in a limited capacity. 319 funds may be used to fund any urban stormwater activities that do not directly develop or implement a municipal separate storm sewer system (MS4) NPDES permit (e.g., not explicitly required in a permit or plan required by the permit). Thus, any activity that an MS4 locality will 'credit' towards meeting its permit requirements are not allowable under section 319(h) funding. If an MS4 locality has a census boundary that includes area outside of the MS4 conveyance system, then stormwater activities outside the conveyance system boundary could be eligible if the activity is not being credited towards permit compliance.
1Q3	*What if an MS4 does not have a waste load allocation?*
1A3	For questions regarding IPs where an MS4 was given a load allocation and not given a waste load allocation (e.g., in the case of new MS4 localities), please contact Nicole Sandberg or Ashley Wendt at npsgrants@deq.virginia.gov , subject line <<"MS4 WLA vs LA">> on how to handle these situations.
TOPIC 2: Implementation Plans (IP) Questions	
2Q1	*Implementation plan eligibility questions: Why is a certain implementation plan (IP) not included on Table 1 of the RFA as eligible for funding? Why was an IP not submitted to EPA for approval or has not been approved by EPA? Why was a certain IP not included on Table 1 since it has an EPA-approved IP? Why does previous or current funding exclude an IP from funding under this RFA?*
2A1	*Plans were deemed eligible for funding, and included in Table 1 of the RFA if they met the following criteria.* 1. A TMDL implementation plan was completed and was approved by EPA Region 3 Nonpoint Source Program. 2. The TMDL IP area in question had not previously had a Section 319(h) funded project that is closed (See Table 2). *There may be several reasons why a plan was not submitted to EPA for review and approval.* 1. Some plans do not sufficiently address Section 319(h) 9 key elements required for EPA approval and require additional contractor and stakeholder involvement. DEQ's prioritization of revising such plans is dependent upon stakeholder interest and funding. 2. The corresponding TMDL is under revision and the plan submission for EPA approval is being delayed pending revisions to the TMDL. 3. If an organization is interested in starting an implementation project for any implementation plan currently not included in Table 1 of the RFA; they should contact their DEQ regional office representative listed in the RFA for next steps.

	There may be several reasons why a plan was excluded as eligible due to previous section 319h funding.
	1. 319(h) Nonpoint Source Program in Virginia started funding TMDL implementation projects in 2001 and generally funded these projects for 5 years unless implementation progress indicated that the project should end early (low level of implementation) or should be extended (high level of implementation). Further explanation of these scenarios is below:
	a. The 319(h) program 'closes' a TMDL implementation project due to several factors and does not typically reopen a project once it is closed.
	b. Project did not meet its implementation targets
	c. Project was deemed successful, met project implementation targets, showed water quality improvements or resulting delistings.
	d. Project was deemed successful, met most of its implementation targets however the project showed minimal water quality improvements and it was determined that significant additional funding would be needed in order to achieve results. As a result, local participation in implementation activities and program began to decline.
	2. The 319(h) program is currently funding a TMDL implementation project in many TMDL IP areas around the state. TMDL IP projects are intended to be partnerships, so competing projects are determined to be counter to the nature of the program. Category 1 projects may be funded in areas when the proposed project is addressing a different source sector (e.g., addressing residential septic where there is an existing project addressing agriculture) or a different sub-watershed. Current projects can apply for Category 2 funding if they meet qualifications specified in the RFA.
	a. Organizations interested in implementation in IP areas that currently have implementation projects should contact the organization to whom DEQ is providing Section 319 funding.
	b. Organizations can contact their DEQ regional office contact indicated in the RFA with assistance in determining IPs with current funding.
2Q2	*How do we characterize the needs of the IP if work has been done for several years and many BMPs have been accomplished and successful? No 319 funding was used and now we want 319. How do we reflect all we have accomplished and the momentum we currently have as advantageous to continued funding?*
2A2	If an application is being submitted for a TMDL implementation plan that has had significant work already completed, or for which there is currently funded work; reflecting that in the application and proposal documents is important. Characterize the implementation goals (BMP goals) from the IP that have already been achieved or progress made and highlight what else needs to be done in order to achieve water quality results (essentially what the application will fund). Using the % BMP implementation completed to date for the IP stage 1 goals and the % of BMP implementation to be completed through a successful application will help reviewers understanding the collective impact funding the continued project may have.
2Q3	*Would it be a better idea to submit an application that covers more than one IP area, instead of multiple proposals?*
2A3	One proposal could cover a larger area or multiple IPs; however, the issue of geographic extent is still an issue. In addition, an application addressing multiple IPs may find it difficult to answers the question

	related to milestones; and will be evaluated based upon their ability to implement IP milestones, a project that addresses multiple IPs, (thus spending less money in IP areas) may be at a disadvantage.
2Q4	*What are the 9 key elements required for EPA approval? Or is there a link you can give me to find out?*
2A4	The potential for federal Section 319 funding for nonpoint source BMP implementation is based on nine required elements of a TMDL IP. These requirements are outlined below in summary: 1. Identify the causes and sources of groups of similar sources that will need to be controlled to achieve the load reductions estimated in the TMDL IP. 2. Estimate the load reductions expected to achieve water quality standards. 3. Describe the nonpoint source management measures that will need to be implemented to achieve the identified load reductions. 4. Estimate the amounts of technical and financial assistance needed, associated costs, and/or the sources and authorities that will be relied upon to implement the TMDL IP. 5. Provide an information/education component that will be used to enhance public understanding of the project and encourage their early and continued participation in selecting, designing, and implementing the NPS management measures that will be implemented. 6. Provide a schedule for implementing the NPS management measures identified in the TMDL IP. 7. Describe interim, measureable milestones for determining whether nonpoint source management measures or other control actions are being implemented. 8. Identify a set of criteria for determining if load reductions are being achieved and progress is being made towards attaining water quality standards, and if not, the criteria for determining if the TMDL IP needs to be revised. 9. Establish a monitoring component to evaluate the effectiveness of the implementation efforts. More information on IP development can be referred to the • http://www.deq.virginia.gov/Portals/0/DEQ/Water/TMDL/ImplementationPlans/Third_Party_IP_Letter.pdf • http://www.deq.virginia.gov/Programs/Water/WaterQualityInformationTMDLs/TMDL/TMDLImplementation/TMDLImplementationPlanGuidanceManual.aspx
2Q5	*Is a project that covers a smaller area of an IP favored over a project that covers a larger area?*
2A5	This will vary on a case by case basis and is left to the applicant to decide. A smaller geographic area may be generally favored over very large areas, as it is easier to show progress. Often, larger IP areas do not provide enough information in order to target activity or show incremental progress. However, be cautious of identifying an area that is too small, because implementation capacity may be limited. Proposals encompassing larger areas or multiple IPs are allowed, however the proposal should include language justifying why it is effective and efficient to cover a larger area versus a smaller area.
2Q6	*Example Scenario: The Town ABC lies within the Quantico Creek which discharges to the Potomac River and ultimately the Chesapeake Bay. The Town is subject to the Chesapeake Bay TMDL Special Conditions Section of the MS4 permit. Additionally, there is an approved Bacteria TMDL for Quantico Creek. According to Table 1 Quantico Creek does not have an individual implementation plan. Quantico Creek is covered by the Chesapeake Bay Watershed implementation plan (WIP). Is the Town is eligible to apply for work in Quantico?*
2A6	A TMDL (usually referred to as a study or a report) is not the same as an implementation plan; and therefore just the completion of a TMDL does not qualify an area for Section 319(h) funds through this RFA. In addition, the Chesapeake Bay WIP does currently qualify as a local IP. A proposal must address

	load allocation (nonpoint source) components listed in an approved local TMDL Implementation Plan listed in Table 1. If an IP is not listed on Table 1, then an application will not be accepted or reviewed. Although a local IP listed in Table 1 may be located within the Chesapeake Bay and may help to meet the Chesapeake Bay Watershed Implementation Plan, a project simply located within the Bay area but not within a local IP area listed in Table 1 will not be eligible for funding. Section F states that activities in MS4 areas that are being credited towards a permit (or used to develop a permit) or that will be credited in a TMDL Action Plan) will not be eligible for funding.
2Q7	*Is an approved watershed plan eligible for funding or is funding restricted to approved IPs only?*
2A7	Yes, however there is only one approved watershed plan in Virginia, Fairview Beach. A complete list of approved implementation area is contained in Table 1
TOPIC 3: Best Management Plan (BMP) Questions	
3Q1	*What BMPs are eligible for funding and are there any BMP specifications or operation and maintenance requirements?*
3A1	Section E of the RFA describes the Eligible Activities for the RFA, including BMPs listed in a TMDL Implementation Plan will be eligible for funding and inclusion in an application under the 2017 TMDL RFA. Applicants should refer to the DEQ TMDL Implementation Cost-share Agricultural and Residential BMP Guidelines for reference on specifications. All practices will be required to follow operation and maintenance plan requirements. Unless otherwise approved by DEQ, proposed BMPs should meet the specifications provided by the DEQ's Nonpoint Source Implementation Cost-share BMP Guidelines and (if appropriate) one of the following resources: DCR's Virginia Agricultural BMP Cost-Share Manual, DEQ Virginia Stormwater Management Publications, DEQ and Virginia Tech Stormwater BMP Clearinghouse Post-Construction BMPs, Virginia Association of Soil and Water Conservation District (VASWCD)'s Virginia Conservation Assistance Program (VCAP) Resources, specifically the VCAP BMP Manual, The Virginia Stream Restoration and Stabilization Best Management Practices Guide
3Q2	*Are residential septic systems that require discharge waste permits allowed under this RFA? Are these the same permits issued by VDH?*
3A2	Alternative sewage discharging systems require a National Pollution Discharge Elimination System (NPDES) permit from DEQ and thus are classified as a point source, which is ineligible for section 319 funds. Grant funded conventional onsite sewage systems (RB-3, RB-4, RB-4P) and alternative systems that do not discharge (RB-5) do require a VDH permit but are eligible for 319 funding.
3Q3	*Can you please address any Engineering Job Approval Authority Issues that may exist for Soil and Water Conservation Districts that apply for agricultural BMPs?*
3A3	The current DEQ Request for Applications for TMDL Implementation Projects allows for Soil and Water Conservation Districts (Districts) to apply for the funding to support implementation of agricultural best management practices (BMPs) listed in approved TMDL Implementation Plans (IPs). All agricultural BMPs installed with grant funds must have an individual with Engineering Job Approval Authority (EJAA) design the practice and verify that the practice was installed according to appropriate specifications. Districts should follow the rules for EJAA that are listed in the most recent DEQ's Nonpoint Source Implementation Cost-share BMP Guidelines document.
TOPIC 4: Water Quality Monitoring Questions	
4Q1	*Can a water quality monitoring component be quantifying the edge of stream and/or delivered loads to the Chesapeake Bay or does it have to be actual water quality samples from the stream?*
4A1	Water quality monitoring should measure pollutants or indicators in-stream during the implementation project. Water quality monitoring should augment DEQ monitoring that can show water quality improvements due to implementation activities. The monitoring approach should reference how the

	monitoring strategy listed in the TMDL IP will be implemented or portion thereof. DEQ calculates all pollution reductions and loadings for the BMPs reported during project implementation, so the applicant need not report this information.
4Q2	*If we ask for funding for water quality monitoring, what type of Quality Assurance/Quality Control (QA/QC) plan do we need or have to submit?*
4A2	Under section E of the RFA there is a sub-section on water quality monitoring. This section describes the requirement that all successful projects that include funds for water quality monitoring must submit for approval a Quality Assurance Project Plan to DEQ.
TOPIC 5: Eligible Applicants, Partnerships and Technical Leads	
5Q1	*What happens if one of the key partners identified in the TMDL Implementation Plan is no longer able or interested in participating in a TMDL Implementation Project? What happens if the assumed lead of the implementation project can no longer serve as the lead for the project?*
5A1	As indicated in section H "Partnerships" of the RFA, past experience has shown that an active and engaged community partnership, involving all stakeholders identified in an IP, is a key component in a successful TMDL Implementation project. However sometimes key partners can no longer work on a project due to various reasons. This does not mean that the remaining identified partners cannot have a successful project. The most important factor is that the organization applying for funding and any partners identified in the application have the collective capacity to successfully implement the proposed work (including managing and administering the grant contract). Organizations may need to develop partnerships on their own; as feasible, DEQ will provide facilitation for organizations who want to partner together. If one of the organizations identified cannot participate and the applicant still wishes to pursue work in a portion of the implementation area, the application should include information justifying how the project will proceed without the identified key stakeholder involved. DEQ will thoroughly review the application to determine if the project can still be funded.
5Q2	*Are non-profits or non-governmental organizations eligible to apply for grant funding or be sub-awardees of these grant funds (i.e., can a District contract with a group for specific deliverables associated with the grant)?*
5A2	Yes, NGOs and non-profits both are eligible to apply for grant funds and to be sub-awardees. Yes, a District can contract with specific deliverables associated with the proposal. The applicant must follow their own procurement procedures when dealing with sub-grantees.
5Q3	*A portion of one of our proposed watersheds is in another Soil and Water Conservation District (SWCD). Can we use funds in the adjoining District if that District has a high priority project that we do not know about at the time of proposal submittal?*
5A3	If a TMDL IP covers multiple jurisdictions, it's perfectly acceptable to have multiple districts partnering on an IP project. Two districts can work jointly and lead the implementation in their respective jurisdictional area. There does need to be a communication between the two districts up front before applying. It often works if one District is designated as a "lead" and will be the entity that receives the grant award from DEQ and then provides a sub-award to the partner district.

DEQ suggests that sub-watershed area selection be discussed between all partners (including all Districts) ahead of submitting an application. The sub-watersheds should be based upon what was included in the TMDL IP. DEQ understands that often this prioritization may change and shift during project implementation due to landowner involvement. DEQ doesn't eliminate the possibility that the eligible priority areas addressed by the approved project couldn't be adjusted during project implementation. More often than not, focusing in 2-3 priority areas may help to determine the interest in getting funding from subsequent RFA to address implementation in other priority areas. There have |

	been a few cases where a SWCD has "given permission" to another SWCD to do implementation work in their District area. This needs to negotiated ahead of any RFP application, it should be detailed in the proposal and must be described in any contractual arrangements. A SWCD employee may not enter BMP information into the DCR Tracking Program within a different District area without receiving prior permission and without getting additional rights assigned in the Tracking Program.
5Q4	*Is it possible for multiple applicants to apply for one IP grant? For example, two SWCDs located in the IP area sharing the funds?*
5A4	Yes, but the applicants should submit a single application clearly detailing the responsibilities of all partners/participants.
5Q5	*Can one organization apply for multiple residential septic projects? If so, do they go on separate applicaitons?*
5A5	Yes. This could be done as separate applications (which could then compete against eachother) or as one combined application. If the applicant should submit a single application for multiple IPs there is a risk that the geographic area may be quite large to show progress. However it this is done the application should detail the planned activities in all relevant watersheds and show how incremental progress will be made in each one..
TOPIC 6: Finance-Related Questions	
6Q1	*Can you please let me know if the required match can be entirely "in-kind" services? We are thinking of partnering with our local SWCD and they would offer their technical services as the in kind match for livestock exclusion.*
6A1	Yes, match can be 100% in-kind. Generally, if someone is volunteering their professional services (in what they do as a job) they can claim their hourly salary rate. If, however they are volunteering in another capacity, then they would use the going rate for volunteer services.
6Q2	*What is the turnaround time for reimbursement?*
6A2	Grant agreements awarded as a result of the 2018-2019 TMDL Implementation RFA will be administered on a reimbursement basis. Grantees incur expenses (which includes paying invoices of subgrantees and BMP participants), makes all payments and then submits an invoice and a report to DEQ requesting reimbursement of these expenses. DEQ will not pay for anything for which the grantee (applicant) has not already made payment. DEQ follows the Prompt Pay Act which means a grantee should expect payment 30 calendar days after submitting a proper invoice with required documentation to DEQ; for example, if the grant report is due on the 15th, reimbursement would occur no later than 30 days from that. Incomplete or late reports may delay reimbursement requests. Grants will be managed with a quarterly report due the 15th day following the end of the quarter. For example, if you had an expenditure on October 4th, and submitted your quarterly report for October thru December on January 15th, you can expect to be reimbursed by February 15th. This means it could be up to 4 months before you see a payment from DEQ. Grantees will have some limited ability to get reimbursed more frequently than quarterly by requesting permission to utilize the interim reimbursement request process, which is a request for more frequent reimbursement than quarterly (e.g., October interim report could be submitted for the BMP expenses incurred in October, and this could be submitted by November 15.)
6Q3	*Please explain "indirect" funds.*
6A3	Indirect costs are agency-wide, general management administrative costs (i.e., activities for the direction and control of the agency as a whole). General management costs consist of administrative activities necessary for the general operation of the agency, such as accounting, budgeting, payroll preparation, personnel services, purchasing, and centralized data processing, rent, utilities,

	etc. Conversely, direct costs are costs that provide measurable, direct benefits to particular programs. These can include costs that relate directly to instructional programs and also support costs that relate to the peripheral services necessary to maintain the instructional programs. In general terms, an indirect cost rate is the percentage of an organization's indirect costs to its direct costs and is a standardized method of charging individual programs for their share of indirect costs. Indirect funds will be allowed if an applicant has a federally approved indirect cost rate agreement and can provide a copy of that agreement. If an organization does not have a federally approved indirect cost rate agreement an applicant can include a de minimis rate of 10% of modified direct costs (see Section 200.414(f) of the Federal Uniform Grant Guidance).
TOPIC 7: General or Miscellaneous Questions	
7Q1	*In the event a grant closes, are extensions ever allowed for practices that are under construction but not complete?*
7A1	Grant extensions have been allowed in the past, but are no longer an allowable option, due to the heavy administrative burden. Work will not be extended beyond 3 years. A project should be administered so as to eliminate the likelihood of extensions being needed or requested. If a grant ends on December 31, then the work should be started on new BMPs in time to meet that deadline.
7Q2	*If more than one area of a district is eligible for this RFA (e.g., the District covers more than one eligible IP area) is it advisable to submit more than one proposal?*
7A2	Although not limited to one proposal, an applicant that submits more than one proposal would effectively be competing against itself. In evaluating a proposal, an applicant's (and their partners') administrative capacity to handle more than one project will be evaluated.
7Q3	*Do we need letters of support?*
7A3	Yes, letters of support for match are required. Other support letters are allowed, but not required.
7Q4	*An applicant has a current 319(h) TMDL Implementation agreement that ends AFTER 6/30/2019, so we are not eligible to apply for funding through this RFA. However, our project will need additional BMP funding before our grant ends, and potentially before another RFA is issued by DEQ. What are our options?*
7A4	Potentially there will be another RFA for 2020. Otherwise please contact NPSGrants@deq.virginia.gov or your current DEQ project manager for recommendations for other funding opportunities.
7Q5	*How detailed does the "vicinity map" need to be? Can it just be an image copied from the IP? If the maps in the IP are not detailed enough, where can we find better maps for implementation planning?*
7A5	**7A5**: Use your best judgment. If you are going to be targeting your area, we need a map with enough specificity to be able to tell where the work will be done. There have been issues in the past with names of sub-watersheds or river tributaries related to differences in the names from local knowledge and what is known on a statewide basis. Proposals should use the official IP watershed names (and related names from the IP). The map should indicate where the proposed project will take place. Please use the approved DEQ IP boundaries (available on VEGIS). VEGIS, located on the DEQ home page is a good resource that may help you create an implementation map. You can also go to: http://www.deq.virginia.gov/mapper_ext/default.aspx?service=public/wimby. The Implementation Watersheds can be accessed by going through the following steps in the map viewer. You must "Add Map Layers" (TMDL_IP_Watersheds) – Add by clicking the green Plus sign. Then turn on the Implementation Watersheds layer in the table of contents by checking on the box to the left layer to have them display. More information is available for each watershed by using the Tools dropdown and selecting the Identify Tool. The information for any area that you identify on will display

	in the Results Tab of the Table of Contents to the left. You can then expand the "more info" to find out the Report Status and/or the Watershed Status for up-to-date project information.

Up-to-date spatial data can be downloaded for use in ArcGIS desktop in the following location: http://www.deq.virginia.gov/ConnectWithDEQ/VEGIS/VEGISDatasets.aspx.
The **TMDL_IP_Watersheds_Geodatabase.zip** is updated nightly. Once you have unzipped the file, the polygon layer (s) can be added to ArcMap. There are two polygon layers and two tables in the geodatabase one layer represents the TMDL Equation Watersheds and the other represent the Implementation Watershed boundaries. |
| **7Q6** | *For a project in a new area, or watershed, of an IP that has been funded for another entity, which category would this be (new applicant, or SWCD) considered?* |
| **7A6** | Category 1. |